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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-114**

13 **KAREN ARDETTE ROY**  
14 **a.k.a. KAREN A. STODDARD**  
15 1328 McKenzie Avenue  
Petaluma, CA 94954

**ACCUSATION**

16 **Registered Nurse License No. RN 198723**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 2. On or about June 30, 1969, the Board of Registered Nursing issued Registered Nurse  
25 License Number RN 198723 to Karen A. Stoddard a.k.a. Karen Ardette Roy ("Respondent").  
26 The Registered Nurse License was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on April 30, 2011, unless renewed.  
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4. Section 2750 of the Business and Professions Code (“Code”) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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"The board may take disciplinary action against a certified or licensed nurse . . . for any of the following:

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"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof.

16       ...."

17       9. California Code of Regulations, title 16, section 1444, states in pertinent part that a  
18 conviction or act shall be considered to be substantially related to the qualifications, functions or  
19 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness  
20 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

21       10. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
22 revoke a license on the ground that the licensee has been convicted of a crime substantially  
23 related to the qualifications, functions, or duties of the business or profession for which the  
24 license was issued.

25       11. Section 493 of the Code provides, in pertinent part, that in such cases the record of  
26 conviction shall constitute conclusive proof of the conviction, and that the Board may inquire into  
27 the circumstances surrounding the commission of the crime in order to fix the discipline or in  
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1 order to determine whether the crime was substantially related to the qualifications, functions, or  
2 duties of the business or profession for which the license was issued.

3 **COST RECOVERY**

4 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Criminal Conviction)

10 13. Respondent is subject to disciplinary action under §§ 2761(f), 2762(c), and 490 of the  
11 Code in that she was convicted of certain criminal offenses. The circumstances are as follows.

12 14. On or about October 16, 2000, in a criminal proceeding entitled *The People of the*  
13 *State of California v. Karen Ardette Roy*, in the Superior Court for the County of Sonoma, Case  
14 Number MCR-361280, the Respondent pleaded guilty to and was convicted of violating  
15 California Vehicle Code § 23152(b) (driving of a vehicle while intoxicated). Respondent was  
16 sentenced to pay fines totaling \$1528.00, to serve two days of jail or work release, and to serve  
17 probation for 36 months. The circumstances of the conviction are that on or about July 18, 2000,  
18 in Petaluma, California, the Respondent was driving a vehicle while under the influence of a  
19 combination of alcohol and drugs. Upon confrontation by the police, the Respondent physically  
20 assaulted a law officer and refused to submit to alcohol detection tests.

21 15. On or about January 15, 2010, in a criminal proceeding entitled *The People of the*  
22 *State of California v. Karen Ardette Roy*, in the Superior Court for the County of Sonoma, Case  
23 Number SCR-573743, the Respondent pleaded nolo contendere and was convicted of violating  
24 California Health & Safety Code § 11357(a) (unauthorized possession of cannabis). Respondent  
25 was sentenced to pay fines totaling \$130.00 and to serve probation for 24 months. The  
26 circumstances of the conviction are that on or about November 26, 2009, the Respondent shipped  
27 a box of medical marijuana to a relative that did not possess a medical marijuana prescription.

28 **SECOND CAUSE FOR DISCIPLINE**

(Dangerous Use of Alcohol or a Controlled Substance)

16. Respondent is subject to disciplinary action under § 2762(b) of the Code in that Respondent used alcohol and/or a controlled substance in a manner dangerous to others, to the public, and to herself. The circumstances are as follows.

17. On or about July 18, 2000, in Petaluma, California, the Respondent drove a vehicle while under the influence of a combination of alcohol and drugs. Upon confrontation by the police, the Respondent physically assaulted a law officer and refused to submit to alcohol detection tests. This conduct led to Respondent's arrest.

18. Separately, on or about December 24, 2002, the Respondent drove a vehicle while under the influence of an intoxicant. This conduct led to Respondent's arrest.

**THIRD CAUSE FOR DISCIPLINE**

(Furnishing a Controlled Substance and/or Dangerous Drug to Another)

19. Respondent is subject to disciplinary action under § 2762(a) of the Code in that Respondent furnished a controlled substance and/or dangerous drug to another. The circumstances are that on or about November 26, 2009, the Respondent shipped via United Parcel Service a box of medical marijuana to a relative in North Dakota that did not possess a medical marijuana prescription.

**FOURTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

20. Respondent is subject to disciplinary action under section 2761(a) in that she acted unprofessionally as alleged in the first through third causes for discipline.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


1. Revoking or suspending Registered Nurse License Number RN 198723, issued to Karen Ardetta Roy aka Karen A. Stoddard;

1           2.    Ordering Karen Ardetto Roy aka Karen A. Stoddard to pay the Board of Registered  
2   Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
3   Business and Professions Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.

5   DATED: \_\_\_\_\_

8/9/10

for   
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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